

# **STATE PERSONNEL BOARD CALENDAR**



**March 22, 2005**

**SACRAMENTO, CALIFORNIA**

# State of California

## Memorandum

**DATE:** March 11, 2005

**TO:** ALL INTERESTED PARTIES

**FROM:** STATE PERSONNEL BOARD - Appeals Division

**SUBJECT:** Notice and Agenda for the **March 22, 2005**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on March 22, 2005, at the offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4<sup>th</sup> Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the March 22, 2005, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

**<http://www.spb.ca.gov/calendar.htm>**

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

S. RODRIGUEZ  
Secretariat's Office

Attachment



## **CALIFORNIA STATE PERSONNEL BOARD MEETING<sup>1</sup>**

801 Capitol Mall  
Sacramento, California

### Public Session Location – 801 Capitol Mall

Sacramento, California, Room 150

Teleconference – 320 West 4<sup>th</sup> Street<sup>2</sup>

Los Angeles, California, Suite 620

### Closed Session Location – Room 141

Teleconference – 320 West 4<sup>th</sup> Street

Los Angeles, California Suite 620

## **MID-MONTH BOARD MEETING – MARCH 22, 2005**

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<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

<sup>2</sup>Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4<sup>th</sup> Street, Los Angeles, California.

**MID-MONTH BOARD MEETING AGENDA<sup>3</sup>**

**MARCH 22, 2005**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(9:00 a.m. – 9:30 a.m.)**

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER - Floyd D. Shimomura**
- 3. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)**
- 4. REPORT OF THE CHIEF COUNSEL - Elise Rose**
- 5. NEW BUSINESS**
- 6. REPORT ON LEGISLATION - Sherry Hicks**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

**(9:30 a.m. - 10:30 a.m.)**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

- 7. DELIBERATION ON ADVERSE ACTION, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the state Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

- 8. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

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<sup>3</sup> The Agenda for the Board can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

State Personnel Board v. Department of Personnel Administration,  
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,  
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,  
Sacramento Superior Court No. 04CS00049.

**9. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**10. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor. [Government Code section 18653.]

**(10:30 a.m. – onwards)**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**11. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF APRIL 5-6, 2005, IN LOS ANGELES, CALIFORNIA**

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES**

**13. EVIDENTIARY CASES - (See Case Listing on pages 9-15)**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**14. NON-EVIDENTIARY CASES - (See Case Listing on pages 15-22)**

**15. NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

**NONE**

**16. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**17. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**NONE**

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS**

**CHIEF COUNSEL**

The Department of General Service's request to allocate the above position to the CEA category has been approved effective February 14, 2005.

**CHIEF COUNSEL**

The Department of Mental Health's request to allocate the above position to the CEA category has been approved effective February 15, 2005.

**18. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**19. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**20. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**21. BOARD ACTIONS - (See Agenda - Page 8)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

**22. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION - (See Agenda Page 24)**

**A D J O U R N M E N T**



**SUBMITTED**

**TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**HEARING - PSC #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

### 13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

#### A. **BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1.) **JOHN A. CRUZ, CASE NO. 04-1376A**

Appeal from 60-calendar-days suspension

**CLASSIFICATION:** Automotive Equipment Operator I

**DEPARTMENT:** California Department of Veterans Affairs

(2.) **NESSLIN CRUZ, CASE NO. 03-1854A**

Appeal from ten-work-days suspension

**CLASSIFICATION:** Employment

Program Representative

(Permanent/Intermittent)

**DEPARTMENT:** Employment Development Department

(3.) **HAJI JAMEEL, CASE NO. 04-0330A**

Appeal from dismissal

**CLASSIFICATION:** Supervising Transportation Engineer

**DEPARTMENT:** California Public Utilities Commission

(4.) **JOE W. JORDAN, CASE NO. 04-0393A**

Appeal from dismissal

**CLASSIFICATION:** Youth Correctional Counselor

**DEPARTMENT:** Department of Youth Authority

(5.) **SAMUEL SWEENEY, CASE NO. 04-0794A**

Appeal from 20-calendar-days suspension

Correctional Officer

**CLASSIFICATION:** California Institution for Men

- Chico

**DEPARTMENT:** Department of Corrections

**B. CASES PENDING**

**ORAL ARGUMENTS**

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS**

**NONE**

**COURT REMANDS**

This case has been remanded to the Board by the court for further Board action.

**NONE**

**STIPULATIONS**

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These are ALJ proposed decisions submitted to the Board for the first time.

**(1.) BRENT ADAMS, CASE NO. 02-0083**

Appeal from dismissal

**CLASSIFICATION:** Officer

**DEPARTMENT:** Department of Highway Patrol

**(2.) JOHN BERNATH, CASE NO. 03-3357**

Appeal from dismissal

**CLASSIFICATION:** Caltrans Heavy Equipment Mechanic

**DEPARTMENT:** Department of Transportation

- (3.) **LANA DAVIS, CASE NO. 03-2372R**  
Appeal from determination of back salary, benefits, and interest.  
**CLASSIFICATION:** Licensing Representative I  
**DEPARTMENT:** Department of Alcohol and Beverage Control
- (4.) **JUDITH GAUTHREAUX, CASE NO. 03-3453E**  
Appeal from discrimination complaint  
**CLASSIFICATION:** Associate Information Systems Analyst  
**DEPARTMENT:** Department of Fish and Game
- (5.) **STEVEN JACKSON, CASE NO. 04-1683**  
Appeal from ten percent reduction in salary for 12 months  
**CLASSIFICATION:** Parole Agent I, Adult Parole  
**DEPARTMENT:** Department of Corrections
- (6.) **ANGEL JUAREZ, CASE NO. 04-2323**  
Appeal from 30 working days suspension  
**CLASSIFICATION:** Officer, California Highway Patrol  
**DEPARTMENT:** California Highway Patrol
- (7.) **HUGO D. LANDEROS, CASE NO. 03-3190AR**  
Appeal from dismissal  
**CLASSIFICATION:** Employment Program Representative  
**DEPARTMENT:** Department of Employment Development
- (8.) **ELAINE SIMMONE, CASE NO. 02-4258E**  
Appeal from denial of discrimination and retaliation complaint  
**Classification:** Associate Management Analyst  
**Department:** State of California Public utilities commission
- (9.) **SHAHLA O'SULLIVAN, CASE NO. 04-0442**  
Appeal from ten percent reduction in salary for 12 months  
**CLASSIFICATION:** Registered Nurse  
**DEPARTMENT:** Department of Mental Health
- (10.) **OLGA TORRES, CASE NO. 04-1518**  
Appeal from nine percent reduction in salary for fifteen months  
**CLASSIFICATION:** Hydroelectric Plant Operator  
**DEPARTMENT:** Department of Water Resources
- (11.) **MARY WHISNER, CASE NO. 04-2127**  
Appeal from formal reprimand  
**CLASSIFICATION:** Correctional Sergeant  
**DEPARTMENT:** Department of Corrections

- (12.) **VALERIE KEISLER, CASE NO. 04-0015**  
**HOWARD SACKS, CASE NO. 04-0064**  
**RICHARD STEUBER, CASE NO. 04-0065**  
**LEIA RILEY, CASE NO. 04-0066**  
**NANCY VIERRA, CASE NO. 04-0067**  
**SUSAN DYCKES, CASE NO. 04-0071**  
**TIMOTHY BENNETT, CASE NO. 04-0072**  
**BABAK (BOBBY) KHAGHANI, CASE NO. 04-0073**  
**NICHOLAS CIMINO, CASE NO. 04-0074**  
**DOUGLAS CRANDY, CASE NO. 04-0076**  
Appeal from demotion  
**CLASSIFICATION:** Career Management Assignments III, IV, V  
**DEPARTMENT:** Department of General Services

**Proposed Decisions Taken Under Submission At Prior Meeting**

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

**NONE**

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

- (1.) **BRIAN RENFROW, CASE NO. 04-2396**  
Appeal from five-day suspension  
**CLASSIFICATION:** Officer, California Highway Patrol  
**DEPARTMENT:** California Highway Patrol

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

**NONE**

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**(1.) ANNA WONG, CASE NOS: 04-1490P, 04-1490PA, 04-1490PD**

Appeal of Whistleblower Notice of Findings

**CLASSIFICATION:** Public Health Microbiologist II

**DEPARTMENT:** Department of Health Services

**F. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

**(1.) JACOB ARIS, CASE NO. 04-1378E AND  
NICHOLAS RUTHART, CASE NO. 04-1409E**

Appeal from discrimination complaint

**CLASSIFICATION:** Employment Program Representatives

**DEPARTMENT:** Employment Development Department

Proposed decision rejected January 25, 2005

Transcripts ordered

**(2.) PATRICK BARBER, CASE NO. 04-0279**

Appeal from dismissal

**CLASSIFICATION:** Youth Correctional Counselor

**DEPARTMENT:** Department of the Youth Authority

Proposed decision adopted November 3, 2004

Modifying dismissal to 45-calendar day suspension

Petition for Rehearing granted February 8-9, 2005

Transcripts ordered

March 22, 2005

- (3.) **DAVID BARTON, SPB CASE NO. 04-1434**  
Appeal from dismissal  
**CLASSIFICATION:** Associate Hazardous Materials Specialist  
Wasco State Prison - Wasco  
**DEPARTMENT:** Department of Corrections

Proposed decision rejected January 11, 2005  
Transcripts received

Pending oral argument May 3-4 2005 Sacramento

- (4.) **ERNEST J. DURAN, CASE NO. 04-0853**  
Appeal from demotion  
**CLASSIFICATION:** Special Agent in Charge  
**DEPARTMENT:** Department of Justice

Proposed decision rejected January 11, 2005  
Transcripts prepared

Pending oral argument April 5-6, 2005, Los Angeles

- (5.) **CHAD LOOK, CASE NO. 04-1789**  
Appeal from 60-work-days suspension  
**CLASSIFICATION:** Correctional Officer  
Wasco State Prison – Wasco  
**DEPARTMENT:** Department of Corrections

Proposed decision rejected January 11, 2005  
Transcripts received

Pending oral argument May 3-4, 2005

- (6.) **KIM RITTENHOUSE, CASE NOS. 03-3541A & 03-3542E**  
Appeal from denial of reasonable accommodation  
and from constructive medical termination  
**CLASSIFICATION:** Office Technician (General)  
**DEPARTMENT:** Department of Fish and Game

Proposed decision rejected May 18, 2004

Pending transcripts

March 22, 2005

(7.) **DARYL STONE, CASE NO. 04-0279**

Appeal from dismissal

**CLASSIFICATION:** Peace Officer I

**DEPARTMENT:** Department of Developmental Services

Proposed decision rejected on February 8, 2005

Transcripts ordered

(8.) **ANTHONY VEGAS, Case No. 03-2204A**

Appeal from dismissal

**CLASSIFICATION:** Parole Agent I (Adult Parole)

**DEPARTMENT:** Department of Corrections – Stockton

Proposed decision rejected November 3, 2004

Transcripts prepared

Pending oral argument April 5-6, 2005

**14. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**



**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

- (1.) **ANTONIO AVERY, CASE NO. 04-1450**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.
- (2.) **GEORGE BREWER, SR., CASE NO. 04-0125**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; furnishing inaccurate information, omitting pertinent information during the selection process, and arrest/conviction record.
- (3.) **WYMAN CHAN, CASE NO. 04-0784**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information during the selection process.
- (4.) **RICHAYE CINADER, CASE NO. 04-0473**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; furnished inaccurate information, omitted pertinent information during the selection process, and negative employment record.
- (5.) **SCOTT COX, CASE NO. 04-0485**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** The appellant was terminated from employment as a police officer within three years from participating in the examination process.
- (6.) **TERY DALE, CASE NO. 04-0769**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.

- (7.) GILBERT FERNANDEZ, CASE NO. 04-1312**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** The appellant is legally prohibited from carrying a firearm.
- (8.) JAMES FREDIEU, CASE NO. 04-0037**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; negative employment record, furnished inaccurate information during selection process, and omitted pertinent information during selection process.
- (9.) TINA GARDNER, CASE NO. 04-0857**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; furnishing inaccurate information and failure to comply with legal obligations.
- (10.) TONY GRAGGS, CASE NO. 04-1408**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; negative employment and omitting pertinent information.
- (11.) MARIE GRAY, CASE NO. 04-1066**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; negative military record and failure to comply with legal obligations.
- (12.) DAVID GUZMAN, CASE NO. 04-0482**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** The appellant is not suitable for employment as a peace officer due to suitability issues.
- (13.) UMA HAMILTON, CASE NO. 04-1648**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and a negative employment record.

**(14.) DOUGLAS HAUSMAN, CASE NO. 04-1248**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability; failure to comply with legal obligations and negative employment record.

**(15.) MARIE JOHNSON, CASE NO. 04-0546**

**Classification:** Medical Technical Assistant - CF

**Department:** Corrections

**Issue:** Suitability; failed to supply CDC information or documents required to complete his background investigation.

**(16.) TUESDIA JOHNSON, CASE NO. 04-1742**

**Classification:** Medical Technical Assistant

**Department:** Corrections

**Issue:** Suitability and omitting pertinent information.

**(17.) SYBIL JONES, CASE NO. 04-1013**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.

**(18.) STANDISH KNOWLTON, CASE NO. 04-1249**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability; furnished inaccurate information, omitted pertinent information during the selection process, has a negative employment record, and failed to comply with legal obligations.

**(19.) MICHAEL LEANOS, CASE NO. 04-0408**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability; omitted pertinent information during the selection process and his negative employment record.

**(20.) CHRISTOPHER LYON, CASE NO. 04-1245**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability; furnished inaccurate information during the selection process, and failed to comply with legal obligations.

- (21.) **ANTONIO MANQUERO, CASE NO. 04-0772**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and an arrest/conviction record.
- (22.) **ERIC MARSHALL, CASE NO. 04-1752**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** The appellant is legally prohibited from carrying a firearm.
- (23.) **RONALD MARTINEZ, CASE NO. 04-1751**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; furnished inaccurate information during selection process, omitted pertinent information, and failed to comply with legal obligations.
- (24.) **SEAN NELSON, CASE NO. 04-0476**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** The appellant is not suitable for employment as peace officer due to negative law enforcement contacts.
- (25.) **VICTOR PALACIOS, CASE NO. 04-0436**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; furnished inaccurate information and omitted pertinent information during the selection process.
- (26.) **DANIEL ROMERO, CASE NO. 04-0805**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** The appellant furnished inaccurate information about his negative law enforcement contacts during the selection process.
- (27.) **SMOND SWANEGAN, CASE NO. 04-0423**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information during the selection process, negative law enforcement contacts, and drug use.

**(28.) KRISTEN URSUA, CASE NO. 04-0987**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability; negative law enforcement contact.

**(29.) JUAN VILLALOBOS, CASE NO. 04-0116**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** The appellant was eliminated from the examination because he did not appear for the Physical Ability Test.

**(30.) CHRISTINA VILLAVAZO, CASE NO. 04-0988**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** The appellant is not suitable for employment as peace officer.

**(31.) ORVIS WADE, CASE NO. 04-1022**

**Classification:** Hospital Police Officer

**Department:** Mental Health

**Issue:** Suitability; negative employment and negative law enforcement contacts.

**(32.) RAQUEL WELSH, CASE NO. 04-0396**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability; furnishing inaccurate information, omitting pertinent information during the selection process, and negative driving record.

**(33.) KRYSTIN WILSON, CASE NO. 04-1991**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability and a negative employment record.

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

**NONE**

**C. EXAMINATION APPEALS  
MINIMUM QUALIFICATIONS  
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**EXAMINATION APPEALS**

**NONE**

**MINIMUM QUALIFICATIONS**

**NONE**

**MERIT ISSUE COMPLAINTS**

**(1.) EDNA GRIFFIN, CASE NO. 03-0971**

**Classification:** Communicable Disease Representative (CDR)

**Department:** Health Services

**Issue:** Did the department circumvent the civil service law and rules by denying the appellant a transfer to the CDR class?

**D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**NONE**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

**(1.) MAY CHEN, CASE NO. 04-2911**

**Classification:** N/A, Member of the Public

**Department:** Corporations

**Issue:** Alleged misconduct of Steven C. Thompson, an employee of the Department of Corporations.

**PETITIONS FOR REHEARING CASES**

**(2.) CLEOPHEUS DAVIS, CASE NO. 03-2700**

**Classification:** Special Agent, DOJ

**Department:** Department of Justice

**F. PSYCHOLOGICAL SCREENING CASES**

Cases reviewed by Appeals Division staff, but no hearing was held. It is anticipated that the Board will act on these proposals without a hearing.

**NONE**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.



**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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